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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,750	06/23/2003	Samih Batarsch	GTI-1507	8421

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EXAMINER

EVANS, GEOFFREY S

ART UNIT PAPER NUMBER

1725

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/601,750	Applicant(s) BATARSEH, SAMIH	
	Examiner Geoffrey S Evans	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7, 12, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20030823</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The disclosure is objected to because of the following informalities: In figure 4, numeral 36 is not described in the specification.

Appropriate correction is required.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,6,8,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maki et al. in U.S. Patent No. 6,379,347 in view of Boebel et al. in U.S. Patent No. 4,881,524. Maki discloses an apparatus comprising: a fiber optic cable (element 110), a laser source (element 120; see column 3, line 61), a laser head (element 112) comprising a laser control means (element 111) and a protective housing (element 113) enclosing said laser head (element 112). Maki et al. does not disclose control means for controlling a motion and location of the laser head. Boebel et al. teaches a fiber feed device (see column 2, line 49 to column 3, line 8) for controlling the position of the fiber. It would have been obvious to adapt Maki et al. in view of Boebel et al. to provide this to control the position of the laser head so that the proper target inside the body is being treated. Regarding claim 2, Maki et al. discloses that element 112 can be made of quartz glass, which is a transparent material (see column 8, lines 9-10).

Art Unit: 1725

Regarding claims 6,8, and 9, Maki et al. discloses adjusting a mirror (see column 7, line 14).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maki et al. in U.S. Patent No. 6,379,347 in view of Boebel et al. in U.S. Patent No. 4,881,524 as applied to claim 1 above, and further in view of Loeb et al. in U.S. Patent Application Publication No. 2003/0199860 A1. Loeb et al. teaches in paragraph 14 having the outer sheathing made of a material that prevents thermal damage to the tissue from the apparatus. It would have been obvious to adapt Maki et al. in view of Boebel et al. and Loeb et al. to provide this to prevent undesired thermal damage to the human tissue.

4. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maki et al. in U.S. Patent No. 6,379,347 in view of Boebel et al. in U.S. Patent No. 4,881,524 as applied to claim 1 above, and further in view of Neuberger in U.S. Patent Application Publication No. 2003/01239735. Neuberger teaches a plurality of nozzles (e.g. elements 201 in figure 2) disposed around the optical fiber to supply a fluid. It would have been obvious to adapt Maki et al. in view of Boebel et al. and Neuberger to provide this to more effectively remove debris.

5. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maki et al. in U.S. Patent No. 6,379,347 in view of Boebel et al. in U.S. Patent No. 4,881,524 as applied to claim 1 above, and further in view of Ellis et al. in U.S. Patent No. 6,491,689 B1. Ellis teaches a plurality of flexible protective

Art Unit: 1725

couplings (elements 184,186, see figure 11). It would have been obvious to adapt Maki et al. in view of Ellis et al. to provide this to protect the optical fiber.

6. Claims 4,5,7,12,14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Salisbury in U.S. Patent No. 4,282,940 and Kobayashi et al. in U.S. Patent Application Publication No. 2003/0226826 A1 disclose boring a well with a laser beam delivered through an optical fiber.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571)-272-1171. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)-272-1300.

GSE


Geoffrey S. Evans
Primary Examiner
Group 1700